

Message

From: Covington, Jeryl [Covington.Jeryl@epa.gov]
Sent: 9/30/2019 3:06:50 PM
To: 'Larry.E.Easter@wv.gov' [Larry.E.Easter@wv.gov]
CC: Dorka, Lilian [Dorka.Lilian@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; Holder, Robin [holder.robin@epa.gov]
Subject: FW: Approval Form 4700 Grant 83986001-0/ WVHHS-West Virginia Department of Health & Human Resources
Attachments: Form_4700_WVHHS_83986001-0.pdf

The following review of the Form 4700-4 for the West Virginia Department of Health & Human Resources is submitted on behalf of Lilian Dorka, Director of the External Civil Rights Compliance Office (ECRCO), and Kurt Temple, Senior Advisor.

The Office of General Counsel's External Civil Rights Compliance Office's (ECRCO) has reviewed the Preaward Form (Form 4700-4) submitted by the West Virginia Department of Health & Human Resources and is pleased to provide the following feedback.

ECRCO does not recommend withholding approval of an award to this grantee in light of the civil rights information provided below.

Please note that the ECRCO does not approve or disapprove grant applications based on our review of the Form 4700-4. This review simply identifies areas from the responses provided on the Preaward Compliance Review Report that should be addressed by a recipient respective of their nondiscrimination compliance obligations in accepting EPA financial assistance. This review assesses the mechanisms that are currently in place or proposed for development immediately after grant award to address discrimination complaints and to comply with 40 C.F.R. Parts 5 and 7 regulations that focus on laws that prohibit discrimination by recipients of EPA with respect to beneficiaries of their programs and activities.

Please contact Lilian Dorka, ECRCO Director, Kurt Temple, Senior Advisor, or Jeryl Covington, Environmental Protection Specialist, if you have any questions and they will be pleased to provide technical assistance.

Feedback:

Question II: The West Virginia Department of Health & Human Resources documents that they are currently receiving EPA financial assistance.

Question VII (c): The recipient response "yes" to its notice identifying a designated civil rights coordinator. The recipient did not provide the identity or the contact information in its response to Question X.

Question X: The recipient responded "N/A to it having a designated employee to coordinate its compliance with 40 C.F.R. Parts 5 and 7.

As a condition of receiving federal financial assistance from EPA, a recipient must comply with the following regulations:

40 C.F.R. Part 5.135 Designation of responsible employee and adoption of grievance procedures.

"(a) Designation of responsible employee. Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under these Title IX regulations, including any investigation of any complaint communicated to such recipient alleging its noncompliance with these Title IX regulations or alleging any actions that would be prohibited by these Title IX regulations. The recipient shall notify all its students and employees of the name, office address, and telephone number of the employee or employees appointed pursuant to this paragraph."

40 C.F.R. Part 7.85(g) Coordination of compliance effort.

"If the recipient employs fifteen (15) or more employees, it shall designate at least one person to coordinate its efforts to comply with its obligations under this part."

ECRCO reviewed the recipient's website (<https://dhhr.wv.gov/Pages/default.aspx>) and identified the following

<http://dhhr.wv.gov/bcf/policy/Documents/Adult%20Residential%20Services%20Request%20to%20Provide%20Policy.pdf>
(p. 35):

"The grievant may also contact the WV DHHR, EEO/Civil Rights Officer, for more information.
WV DHHR: Office of Human Resource Management
Contact Person: EEO/Civil Rights Officer
Telephone number: (304) 558 – 6811
Fax: (304) 558-6051"

Please confirm that the information identified by ECRCO is the recipient's designated employee's contact information and provide the employee's name.

Question XI: The recipient responded "N/A to it having adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7:

As a condition of receiving federal financial assistance from EPA, a recipient must comply with the following regulations:

40 C.F.R. Part 5.135 Designation of responsible employee and adoption of grievance procedures.

"(b) Complaint procedure of recipient. A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by these Title IX regulations."

40 C.F.R. Part 7.90 Grievance procedures.

*"(a) Requirements. Each recipient shall adopt grievance procedures that assure the prompt and fair resolution of complaints which allege violation of this part.
(b) Exception. Recipients with fewer than fifteen (15) full-time employees need not comply with this section unless the OCR finds a violation of this part or determines that creating a grievance procedure will not significantly impair the recipient's ability to provide benefits or services."*

ECRCO reviewed the recipient's website (<https://dhhr.wv.gov/Pages/default.aspx>) and identified the following:

<http://dhhr.wv.gov/bcf/policy/Documents/Adult%20Residential%20Services%20Request%20to%20Provide%20Policy.pdf> (p. 34)
Section 4.11 NONDISCRIMINATION, GRIEVANCE PROCEDURE & DUE PROCESS STANDARDS, REASONABLE MODIFICATION POLICIES, AND CONFIDENTIALITY

Please confirm that the information identified by ECRCO is the recipient's currently adopted grievance procedures that assures the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7.

Authorization: The typed name of the Chief Financial Officer provides authorization. The date of authorization is April 8, 2019.

From: Dorka, Lilian <Dorka.Lilian@epa.gov>
Sent: Friday, September 27, 2019 11:39 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Holder, Robin <holder.robin@epa.gov>
Cc: Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Subject: FW: Approval Form 4700 Grant 83986001-0/ WVHHS

Thanks and please copy Jeryl Covington on all of these to ensure quick response. Jeryl could you please review and respond? Thanks!

Lilian Sotolongo Dorka, Director
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U.S. Environmental Protection Agency
202-564-9649 - Office
202-695-9888 - Cell

From: Holder, Robin <holder.robin@epa.gov>
Sent: Friday, September 27, 2019 11:16 AM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: Approval Form 4700 Grant 83986001-0/ WVHHS

Good Morning Lilian-

Please review the attached form 4700 for grant 83986001-0, West Virginia Department of Health & Human Resources and let me know how to proceed.

Thanking you in advance,

Robin L. Holder
Grants Specialist
Grants and Interagency Management Division
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